

Resumé

This rigorous thesis deals with sanctioning of legal persons.

I selected this topic, because I am truly interested in it and I intended to elaborate precisely my diploma thesis that was focused on it already.

Based on theoretical and practical findings, this thesis aims to analyze whether the current state of law in the area of sanctioning of legal persons in the act on criminal liability of legal persons is faultless and fully sufficient, or whether it requires some amending.

The preface introduces the topic of sanctioning of criminal persons, the structure and the main goals of this thesis. Subsequently, the thesis is divided into nine chapters.

The first chapter deals with fundamental theoretical issues. It covers different approaches to sanctioning of legal persons throughout Europe and crucial arguments both in favor and against the introduction of new regulation of sanctioning of legal persons in the Czech Republic.

The second chapter covers basic provisions of sanctioning of legal persons in the act on criminal liability of legal persons. In particular, the chapter provides a brief introduction to the structure of the act, its legal aspects and related problems.

In the third chapter, dealing with basis of imposing of criminal sanctions on legal persons, we can find a detailed interpretation of the principles of sanctioning of legal persons and the standards of determination of sanction type and its assessment.

The fourth chapter focuses on the issue of variability of the sanction system, the term “punishment” and the purpose of sanctioning of legal persons. Subsequently, it presents the particular categories of sentences under the act on criminal liability of legal persons. Similar interpretation of the term “protective measure” follows.

The fifth chapter thoroughly analyzes each particular sanction under the act on criminal liability of legal persons. This analysis points out imperfections or defects in terms of legal theory, of the current state of regulation of these sanctions and its possible solutions *de lege ferenda*. This chapter also reviews the application of this act with respect to jurisprudence of Czech courts.

The sixth chapter deals with institutes of the barring of penalties by limitation and the deletion of conviction under the act on criminal liability of legal persons.

In the seventh chapter, the general analysis of application of the act on criminal liability of legal persons by Czech courts is to be found along with the prognosis of its future,

in particular based on statistical data regarding sanctioning of legal persons provided by the Ministry of Justice.

The eighth chapter first compares the Czech regulation of sanctioning of legal persons with the Austrian one, and afterwards, with the Slovak act on criminal liability of legal persons which will become effective as of 1 July 2016.

The last chapter presents the criminal record of legal persons, its nature, theoretical deficiencies and practical use.

This thesis is concluded by a summary of findings reached in the course of the thesis and conclusions derived therefrom.